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FBI Law Enforcement Bulletin

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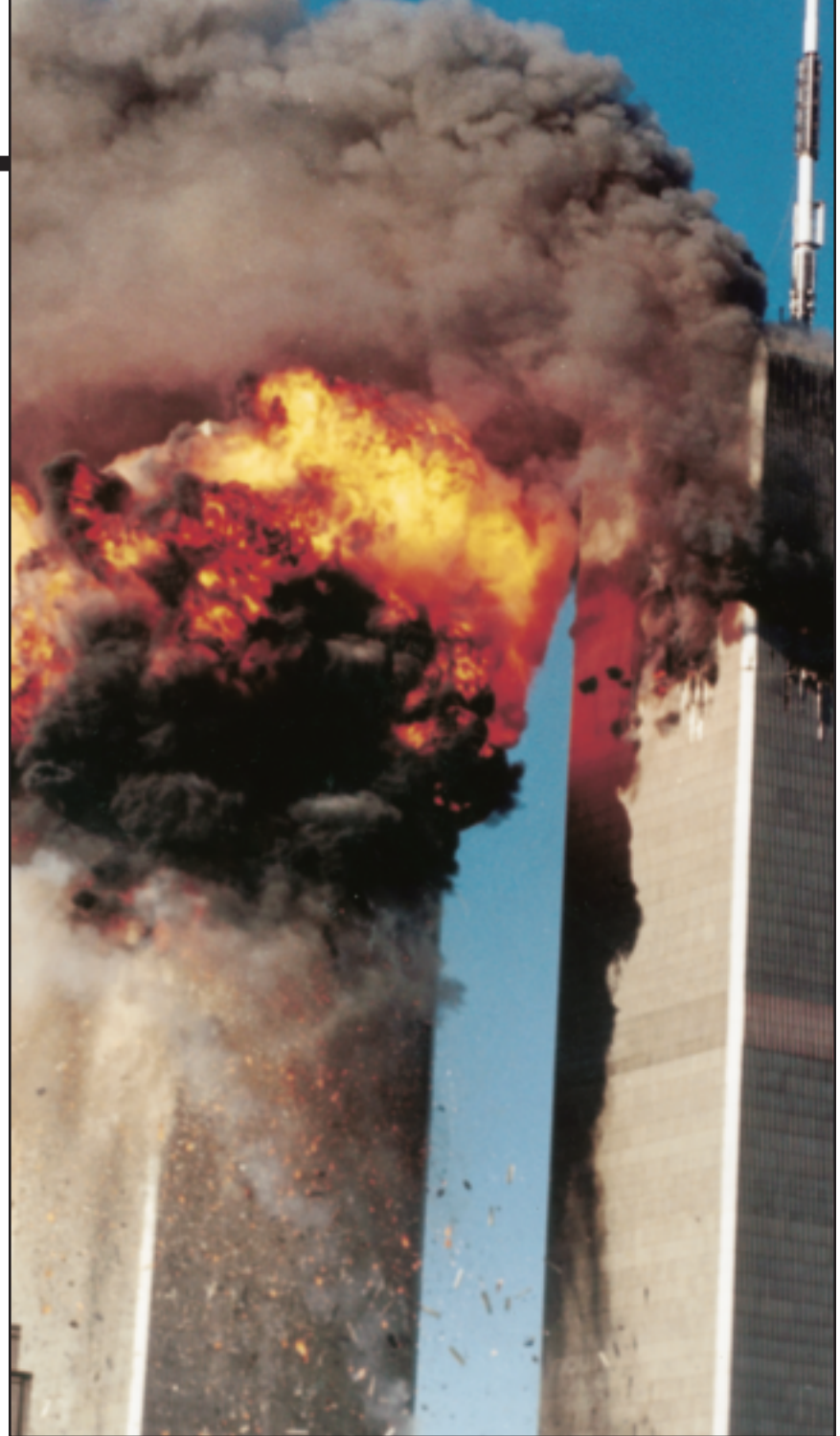
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Current Best Practices Coping with Major Critical Incidents

By DONALD C. SHEEHAN,
GEORGE S. EVERLY, Jr.,
and ALAN LANGLIEB

The combined tragedies of September 11, 2001, have merged into a significant American generational marker not experienced since the assassination of President John F. Kennedy. Nowhere have the cascading consequences of these watershed events impacted more than on the law enforcement profession. Critical incidents are a recognized part of the law enforcement experience. After all, it is a high-risk profession. Normally, critical incidents occur on a small scale, affect only a few people, and cause only short-term burdens on existing organizational resources. The events related to September 11th, however, clearly deviated from the norm. Protecting human resources within law enforcement always has been a challenge, but critical incidents, such as those



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experienced on September 11th, pose extraordinary difficulties requiring extreme responses. From such adversities invariably come innovations, lessons learned, and, ultimately, even greater response capabilities.

Reviewing the evolving practices of uniquely experienced organizations, commonly referred to as an analysis of best practices, can prove informative. Therefore, the authors have undertaken such an analysis of

Compiling Authors

Donald C. Sheehan, George S. Everly, Jr., and Alan Langlieb, from the law enforcement and academic communities of the FBI, Loyola College in Maryland, and Johns Hopkins University, formed an alliance with the contributing authors to honor the valiant law enforcement professionals who gave their lives in the performance of their duties during the terrorist attacks of September 11, 2001, and to offer assistance to those who survived, yet carry not only the physical scars but the psychological traumas as well.

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some of America's uniquely experienced law enforcement organizations regarding their ongoing efforts to assist their personnel in coping with critical incidents, both small and large scale. As the first survey of its kind, this may represent a significant contribution to the profession.

BACKGROUND

The practice of providing critical incident stress management and support services to law enforcement personnel has a rich history, but the origins of such assistance actually can be traced to the military. Wars and conflicts have punctuated this country's history since its inception.

Technological advances in weaponry beginning with the Civil War produced casualties of a type and scale previously not experienced by medical personnel. Out of sheer necessity in the face of incredible, large-scale suffering, they had to add newly constructed intervention principles to traditional treatment practices. In time, the recognition of the importance of immediate intervention led to the assimilation of corpsmen and medics into combat units. During the Korean Conflict, the military moved medical units forward to gain proximity to the battlefields. Hard-won experience produced expectancy about the types of injuries that medical personnel could

treat successfully. By the time the armed forces were engaged in Vietnam, their medical units had instituted triage as a standard practice that systematically assigned a priority to the treatment of the wounded based on such factors as urgent need, the chance of survival, and the amount of resources available.

What affects the mind affects the body, and what affects the body affects the mind.¹ The two are inextricably intertwined and cannot be separated. The shell shock of World War I and the combat fatigue of World War II proved just as potentially debilitating to soldiers as many of their physical wounds. The military discovered that the principles established for treating physical traumas also applied to treating psychological ones. "Nothing could be more striking than the comparison between the cases treated near the front and those treated far behind the lines.... As soon as treatment near the front became possible, symptoms disappeared...with the result that 60 percent with a diagnosis of psychoneurosis were returned to duty from the field hospital. War neuroses... could be controlled by scientific management, rather than allowing nature to take its course."² "Those on field duty found it to be most advantageous to the soldier, and to the army, to

recognize exhaustion and the fear but not to remove the soldier to the rear.... By and large, the prognosis...varies directly with the time factor...the great issue...is not to permit the syndrome to become entrenched... the most effective implement is to keep alive the [causal] relation between the symptoms and the traumatic event.”³

These military observations became concretized as the three pillars of crisis intervention: proximity (the ability to provide psychological support wherever needed in the field), immediacy (the ability to provide rapid support), and expectancy (viewing adverse reactions to critical incidents as basically normal reactions of extreme stress and not as pathological reactions). The three became known collectively as the P.I.E. Principle⁴ and formed the historical foundation of crisis intervention not only for the military but also for law enforcement. The type of trauma experienced by soldiers in combat is quite similar to that endured by law enforcement officers. In short, the law enforcement profession adopted the best practices of the military.

METHOD

The application of best practices can be a highly effective way to deal with complex problems. Law enforcement professionals do not have the luxury of sitting back and

theorizing when confronted with catastrophes. They usually have to act immediately to establish public order in the wake of the disorder caused by large-scale critical incidents. Practical, logistical, and time constraints make it difficult to conduct the randomized controlled trial, which is the gold standard researchers use to compare the effectiveness of intervention. Therefore, copying

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Law enforcement professionals do not have the luxury of sitting back and theorizing when confronted with catastrophes.

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the successful tactics of other agencies that have dealt with similar problems becomes an effective and efficient strategy. It saves valuable time and resources at the most critical point, the immediate aftermath of an incident.

In recognition of this concept, Dr. Everly initiated a survey in the spring of 2003 to ascertain what various law enforcement agencies and organizations have done to support their personnel during extraordinary critical incidents. Sadly,

New York, New Jersey, Washington, DC, and Pennsylvania were not the only locations affected by mass crisis. The jarring horror of losing so many children in Waco, Texas, and Oklahoma City, Oklahoma, stand as equally traumatic events. Regardless of geographic location or size, all law enforcement agencies face potential, large-scale incidents.

SURVEY PARTICIPANTS

The authors included 11 organizations based on accrued unique experience responding to the psychological demands associated with extraordinary critical incidents and mass disasters. They consulted federal, state, and city organizations to provide a balanced perspective for dealing with catastrophic events and obtained information from interviews with program directors and from written descriptions. Many of these programs not only are innovative but represent prime exemplars of a structured response to the unique psychological needs of those in the law enforcement profession.

Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) initiated its Peer Support/Critical Incident Stress Management Program in 1989

out of concern for special agents involved in shootings and other critical incidents. Administered via the Office of the Ombudsman, a program manager, who is a mental health clinician, provides clinical oversight. The ATF program serves all 6,000 employees and their families, as well as state and local law enforcement partners who represent 25 to 30 percent of the program workload.

The ATF Peer Support Program has four components: peer responders, mental health professionals, chaplains, and trainers. The 43 peer support personnel are not counselors but special agents, inspectors, and other key personnel with over 60 hours of specialized training. Mental health providers make referrals to the agency's employee assistance personnel or to community resources as necessary. Sixty chaplains provide spiritual support and critical incident stress management interventions. ATF professional development personnel conduct related training.

ATF uses a comprehensive, multicomponent critical incident stress management model that includes preincident education, assessment of need and management consultations, individual peer support, large-group crisis intervention, family support services, small-group crisis intervention, chaplain or pastoral care services, referral

and follow up, and debrief-the-debriefer sessions. Based on the specifics of a particular incident, ATF has tailored its intervention plan to reach and accommodate those directly or indirectly impacted by a critical incident.

Cop 2 Cop

Cop 2 Cop serves 40,000 law enforcement officers, plus family members, in the New Jersey Port Authority Police, New York State Police, and the

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New Jersey Urban Search and Rescue Unit. Established in 1998, it became fully operational on November 1, 2000, through the use of a widely circulated, toll-free telephone number (1-866-COP-2COP). The staff consists of 4 retired clinicians with experience treating law enforcement officers, 4 mental health specialists, and 48 retired law enforcement

officers who voluntarily answer the telephone hotline.

Following the terrorist attacks, Cop 2 Cop's role expanded to include all New Jersey firefighters and emergency medical service personnel. The program also provided intervention services to Secret Service and FBI agents residing in New Jersey. In the aftermath of September 11th, the program initiated acute traumatic stress leadership training and implemented a unique large-group “reentry program.”

Cop 2 Cop employs an integrated, multicomponent emergency mental health continuum-of-care approach, including telephone hotlines, one-on-one crisis intervention, telephone assessments, group crisis intervention, and referrals to mental health resources. Since its inception, the program has received over 9,000 telephone calls and has conducted more than 450 critical incident stress management interventions.

FBI

The FBI uses a two-pronged approach in delivering stress management services to approximately 28,000 employees and their families. The FBI Academy emphasizes training and research. It teaches stress management; examines stress-related issues, such as domestic violence and suicide,⁵ in

televised forums and publications; and is developing an early warning tool for detecting excessive stress reactions by law enforcement officers.⁶

The FBI's Employee Assistance Unit, consisting of several mental health professionals and support personnel, became self-contained in 1993. It coordinates delivery of four primary services and represents an integrated, multicomponent continuum-of-care model, including preincident training, assessment, triage, individual crisis intervention, small-group crisis intervention, psycho-educational seminars, family support services, and chaplain referrals. Specifically, 300 coordinators, positioned throughout the organization, provide assessment, short-term counseling, and referrals to employees experiencing a wide range of problems. Critical incident stress management—a peer-based, small-group crisis intervention—occurs subsequent to exposure to critical incidents. Peer support/post-critical incident seminars (residential group psycho-educational interventions) follow significant critical incidents, such as shootings and mass disasters. These last up to 4 days and began in 1983 in response to agent-involved shooting incidents. Over 100 experienced volunteer chaplains provide pastoral counseling, family

support, death/bereavement services, and individual or small-group crisis intervention.

Federal Law Enforcement Training Center

The Office of Critical Incident Stress Management, Federal Law Enforcement Training Center (FLETC), Department of Homeland Security supports 40,000 students from approximately 76 federal law enforcement agencies each year. It also serves



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permanent and detailed staff, participating organizational personnel, employees, contractors, visitors, and their families.

FLETC formally established its Critical Incident Stress Management and Peer Support Program in 1999. Eight teams, comprised of 50 employees, provide services throughout the United States and abroad.

The center integrates a multidisciplinary standard-of-care

continuum with specific services, including precrisis education/inoculation; individual, team, mental health practice, and community basic and advanced training; triage/assessment/referral for initial/follow-up treatment; individual peer support; small- or large-group defusing; small-group debriefing or demobilization; individual traumatic stress reduction management; pastoral/bereavement counseling; employee assistance services; and a wellness program.

National Fraternal Order of Police

The National Fraternal Order of Police (FOP) originally established its Critical Incident Committee in 1996. But, in 2001, it reformulated this entity as the Critical Incident Stress Management Program to provide affected emergency service workers with services that mitigated or lessened the impact of the effects of critical incident stress and accelerated the recovery following a traumatic event. FOP designed the program to prevent or mitigate the adverse psychological reactions that so often accompany emergency services, public safety, and disaster response functions. Interventions in this program are directed toward the mitigation of post-traumatic stress reactions. Fundamental to the FOP approach is a philosophy

and a belief in the importance and value of the human response, especially within the occupation of law enforcement.

Key services include consultation to local law enforcement, critical incident education programs, development of a national law enforcement emergency response strike team to assist wherever needed, and the establishment of a central repository for available law enforcement critical incident stress management programs nationwide. FOP uses an integrated, multicomponent crisis intervention system that includes precrisis education seminars, individual crisis intervention services, group crisis interventions, demobilizations, defusings, debriefings, chaplain services, family interventions, organizational consultation, follow-up resources, and referral to formal mental health services as indicated.

New Jersey Attorney General's Office and State Police

Established in 2003, New Jersey's Critical Incident Stress Response Program functions within a preexisting employee assistance program. In addition to traditional services, it sponsors a unique command staff leadership series that covers ethics-based leadership, law enforcement family dynamics, terrorism, and psychological

counterterrorism. The New Jersey model offers an integrated, multicomponent crisis intervention system with a full spectrum of employee assistance services.

New York City: Police Organization Providing Peer Assistance

In 1994 and 1995, the 26 police officer suicides generated grave concerns throughout New York City. In response to this

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alarming phenomenon, the city created the Police Organization Providing Peer Assistance (POPPA), an autonomous, independent, confidential, and voluntary police assistance agency. Volunteer peer support personnel received training in crisis intervention and critical incident stress management and began staffing a 24-hour hotline in March 1996.

Currently, POPPA has an administrative staff consisting of a director, clinical director,

peer liaison, consulting staff, and a case manager; a clinical panel of over 120 psychologists, psychiatrists, social workers, and addictions counselors trained and motivated to work with police officers; and 180 peer support officers. Available at all times, these individuals meet with distressed officers in neutral, private locations. They provide referrals only at face-to-face meetings. All meetings, referrals, and subsequent treatment remain strictly confidential. Since 1996, over 6,500 face-to-face meetings have taken place.

POPPA uses an integrated, multicomponent critical incident stress management intervention system adapted to best meet the needs of law enforcement personnel and the unique demands of each specific critical incident. It operates on the basis of a self-referral system. POPPA key interventions include assessment, triage, individual crisis intervention, demobilizations (large-group crisis intervention), defusings (small-group crisis intervention), debriefings (small-group format), and referral to subsequent psychological support if required.

Oklahoma City: Critical Incident Workshops

The April 19, 1995, terrorist bombing in Oklahoma City precipitated a series of critical

incident workshops. Estimates indicated that 20 percent of the 12,384 rescue personnel involved would require some form of mental health care. As of October 2002, over 750 rescue personnel, survivors, volunteers, and family members have received direct service from 70 workshops, which use an intensive 4-day format. Intervention teams consist of a facilitator, psychologist, chaplain, and a trained crisis intervention peer support individual.

Workshops use key interventions, such as individual crisis intervention, small-group critical incident stress debriefing, family support, education, chaplain/pastoral services, referrals, and follow-up care. The workshops offer eye movement desensitization and reprocessing (EMDR), a highly controversial but effective technique, as an optional treatment.

U.S. Marshals Service

In 1991, the U.S. Marshals Service (USMS) initiated its Critical Incident Response Team (CIRT). Staffed by 3 mental health professionals and 51 peer support personnel, CIRT extends services to over 4,200 employees and their family members. Incident-specific response teams consist of an employee assistance representative and one or two peer support marshals. USMS uses an integrated, multicomponent



intervention continuum-of-care approach consisting of assessment, triage, individual crisis intervention, small-group crisis intervention (defusings and debriefings), large-group crisis intervention, organizational development, family intervention services, and referral to psychotherapeutic resources.

U.S. Secret Service

The U.S. Secret Service (USSS) implemented its Critical Incident Peer Support Team in 1985. Administered from its Employee Assistance Program (EAP), the peer support team has expanded to include agents, uniformed officers, and administrative support staff. It includes 4 EAP counselors and 86 peer support personnel, who receive specialized training in crisis intervention and critical incident debriefings. Designated

peer support counselors assist EAP counselors with precrisis education seminars for new agents and uniformed officers. Field intervention teams consist of an EAP counselor and one or two peer support personnel. USSS uses an integrated, multicomponent intervention approach consisting of assessment, triage, individual crisis intervention, small-group debriefings, precrisis education seminars, family intervention services, follow-up resources, and referral to mental health professionals as needed.

World Trade Center - Rescuer Support Victim Program

Because first responders comprised approximately 400 of the 2,800 victims of the September 11th disasters, this program began in 2002 to serve law enforcement, firefighters,

and emergency medical personnel. It has three primary components: 1) crisis intervention hotline help, 2) crisis intervention training programs, and 3) clinical intervention services. On a pro bono basis, the program provides peer counseling, individual crisis intervention, and individual therapy and uses a structured, six-session, group treatment model.

The program's main purpose is to give voice to the rescuers. The conceptual framework includes partnership with management, establishment of funding, consultation of nationally recognized experts, collaboration with clinicians, use of peer support, and reliance on logistical and planning flexibility.

KEY FINDINGS

Five best practices emerged from the many practical, empirically field-tested strategies used to deal with large-scale critical incidents. They almost are universal, and agencies should consider them in any organizational approach to effective critical incident stress management.

Early Intervention

The survey revealed that the law enforcement agencies sampled recognized the value of early psychological intervention for those officers responding to critical incidents. This echoed earlier military experience

regarding the importance of immediate intervention in treating physical and psychological wounds.

Complete Care

All of the organizations sampled recommended the use of a phase-sensitive, multicomponent crisis intervention system as part of an overall continuum of care. Such a system underscores the necessity of employing strategic planning prior to implementation.

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The key to optimizing existing programs is to focus on preincident strategies.

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Peer Support

Each participant emphasized the importance of peer support and saw it as a virtual imperative to a successful law enforcement program. Consistent with this tactical formulation, not one of the organizations viewed crisis intervention as psychotherapy nor as a substitute for it.

Specialized Training

All of the organizations acknowledged the importance of receiving specialized training in crisis intervention/emergency

mental health (for both peer interventionists, as well as mental health clinicians) prior to implementing such programs. Well-meaning intentions are not enough. Officers exposed to traumatic events need focused assistance by trained practitioners at all levels of care, ranging from hotline assistance to therapeutic treatment.

Tactical Intervention

Tactical interventions, in most programs, included the ability to perform one-on-one small- and large-group crisis interventions and family support services, as well as the ability to access spiritual support assistance and treatment resources. The word *tactical* refers to adroit maneuvering used to achieve a desired objective. The military connotation is highly appropriate in any discussion of psychological trauma induced by critical incidents. Much of the psychological assistance given to public safety and emergency personnel in the domestic terrorism of Oklahoma City and in the international terrorism of New York City was based on lessons learned during conventional wars.

CORE COMPETENCIES

Five core competencies appeared as features of a best practices model. These elements offer law enforcement agencies

an effective way to help their personnel deal with critical incidents.

Assessment and Triage

Agencies need to rapidly evaluate affected officers and provide them with assistance consistent with the resources at hand. Integral to the process of assessment, however, is knowing when *not* to interfere with natural coping mechanisms. Simply said, law enforcement often can be a stressful profession, but formal crisis intervention always should yield to the individual's natural coping mechanisms and resources as long as these function effectively.

Crisis Intervention with Individuals

Officers differ in their responses, and their agencies must remember that mass critical incident care is not a one-size-fits-all proposition. Crisis intervention skills applied to one individual at a time (face-to-face or telephonically) represent the bedrock of all emergency mental health techniques and always begin with the assessment of their suitability.

Small-Group Crisis Intervention

Peers supporting each other in a group setting can be highly effective and efficient. The small-group crisis intervention

format (e.g., debriefings) can be a useful intervention mechanism.⁷ Care must be taken, however, to ensure that vicarious traumatization does not occur. This is best achieved by using homogeneous functional groups of individuals who have experienced the same level of psychological toxicity via their exposure. Similarly, care must



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be taken so as not to encourage excessive ventilation, coercive group pressure, or scapegoating (targeting individuals or organizational policy).

Large-Group Crisis Intervention

A town meeting provides another way for people to process the tumultuous events engulfing them. Typically employed with large groups, this type of crisis intervention is largely a psycho-educational process designed to enhance cohesion, control rumors,

improve self-assessment, and make individuals aware of coping techniques and resources.⁸ Agencies may apply this method many different ways, including in the format of roll call.

Strategic Planning

"The process is strategic because it involves preparing the best way to respond to the circumstances of the organization's environment, whether or not its circumstances are known in advance.... The process is about planning because it involves intentionally setting goals...and developing an approach to achieving those goals."⁹ Thus, strategic planning allows operational planners to best combine and sequence multiple interventions within an integrated Incident Command System. All strategic planning, as well as tactical intervention, must be predicated upon ongoing assessment.

FUTURE DIRECTIONS

Large-scale critical incidents spring from all manner of causes. Some result from upheaval and disruption of the natural order. The air, earth, fire, and water that normally sustain people become the hurricanes, earthquakes, wildfires, and floods that destroy them. Other major critical incidents result from human

activity, such as war and terrorism. Both types of critical incidents impact everyone. No group is more affected than those who impose order upon the chaos resulting from major critical incidents. In response to the acute mental health needs of those in crisis, the field of crisis intervention was born.

The majority of law enforcement officers exposed to a traumatic event will not need formal psychological intervention, but that does not negate the obligation to respond to the needs of those who will require acute psychological support. Information regarding critical incidents, common reactions, and sources of support could benefit everyone.

An observation about firefighters applies equally well to law enforcement officers. "In all the controversy, criticism, and research debate on the merits of debriefing [i.e., early psychological intervention], certain constants are emerging. The most effective methods for mitigating the effects of exposure to trauma... those, which will help keep our people healthy and in service, are those, which use early intervention, are multimodal and multicomponent. That is, they use different 'active ingredients'..., and these components are used at the appropriate time with the right target group."¹⁰

Most of the emphasis of existing programs is on managing the reactions to mass critical incidents after they occur. This direct approach, while practical and goal oriented, does not encompass the full range of options available. The key to optimizing existing programs is to focus on preincident strategies.

No group is more affected than those who impose order upon the chaos resulting from major critical incidents.

Preincident Training

The study of the current and historical military response to psychological trauma has become quite useful in developing an effective and efficient law enforcement model for mass critical incident stress management. For example, a British military psychiatrist and his colleagues found that debriefing techniques even reduced alcohol use after stressful assignments.¹¹ However, one lesson remains from the military that the law enforcement profession has not sufficiently incorporated into

its programs, the principle of expectancy. Two Israeli psychologists investigated roles of immediacy, proximity, and expectancy.¹² Results indicated that all three early intervention principles contributed to therapeutic outcome, with expectancy supplying the most to positive outcome. As earlier research noted, to a significant degree, the soldier's expectation of outcome predicted recovery from war neurosis.¹³ The military experience demonstrated that the law enforcement profession must do a better job of managing the expectations of officers to ensure their psychological well-being after a major critical incident.

To illustrate the apparent importance of expectation management for new and experienced law enforcement professionals, the authors present some real-life examples. Approximately every 2 weeks, 50 agent trainees arrive at the FBI Academy on a Sunday afternoon. On the following Wednesday morning, they are issued the handguns they will carry throughout their law enforcement careers. For 5 years, on the afternoon after they received their weapons, Special Agent Sheehan taught the trainees a block of instruction called Stress Management in Law Enforcement. He always started the 7-hour course by asking how many of them

would be surprised if they actually had to use their service weapon. Virtually everyone said it would be a surprise. He then would point out some hard facts. First, while at the academy, they will fire thousands of rounds until they can quickly and accurately fire 50 rounds at targets 25 to 5 yards away. Next, they must qualify with a minimum score of 80 percent four times a year during their employment. Also, every day that they are on duty for those 20 to 30 years, they will have to carry their weapon. In addition, every year, the FBI holds critical incident seminars, and many agents who are shooters or shootees attend. Following a shooting, approximately 79 percent of involved officers have reported time distortion and 52 percent have indicated memory loss for part of the event.¹⁴ And, finally, estimates have indicated that the career of a law enforcement officer is shortened significantly after a shooting incident. Under these circumstances, new employees need to change their expectations about what could happen to them.

This change in expectations is necessary for the more experienced members of the law enforcement community as well. Several years ago, Special Agent Sheehan went to Belfast, Northern Ireland, at the request of the Royal Irish Constabulary

to address the Association of Chief Police Officers of England, Scotland, Wales, and Northern Ireland about violence in the United States. He asked these experienced and highly accomplished officers what shocked them the most about the events that had occurred at Columbine High School in Colorado. Their answers ranged from gun violence to sudden death. They were partially right, of course, but, in the authors' view, the aspect that ultimately bothers most people about that event was the brutal violation of what their expectation of the school experience should be. Children should be able to go to school in safety without the fear of immediate death.

Everyone has expectations. Sometimes, these get violated.

In the law enforcement profession, expectations can be destroyed in an abrupt and massive way. In an era of incipient terrorism, agencies must provide proactive training. In 2003, the Institute of Medicine stated, "The committee finds that terrorism and the threat of terrorism will have psychological consequences for a major portion of the population, not merely a small minority.... The stress associated with the direct impact and lingering threat of terrorism raises obvious psychological concerns, particularly for...first responders...."¹⁵

Conducting more preincident education offers the best way to change expectations. Some training is taking place, but not enough. For example, although the FBI provides agent



trainees with some preincident training, it offers no such regularly scheduled training for journeymen agents in the field. Even flu vaccines are administered on a yearly basis. Critical incident education provides one of the best inoculations available to law enforcement officers facing toxic situations. If they expect something, they are better able to cope with it. The military has firmly established that expectation management saves lives. Universally, the law enforcement community must do a more thorough job of creating realistic expectations through preincident training.

Early Warning Screening

People differ in their responses to critical incidents. Some officers adjust rapidly, whereas others adapt gradually. A small number adjust poorly and develop an extreme reaction called post-traumatic stress disorder (PTSD). A 2002 study revealed that 13 percent of rescue personnel developed PTSD,¹⁶ a significantly higher rate than the 1 to 3 percent in the general population. This suggested that rescue workers, like law enforcement officers, face elevated risk due to increased exposure to traumatic events. According to the military principle of immediacy, these people need to be identified early. Immediate identification of acute problems allows

for the mobilization of higher-ordered interventions, which work best *before* problems become habitual and fully assimilated.¹⁷ Training peers and managers to recognize the first signs of maladaptive responses must occur. When managing critical incident stress, law enforcement agencies need to remember that the sooner they intervene, the better.

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The type of trauma experienced by soldiers in combat is quite similar to that endured by law enforcement officers.

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CONCLUSION

A number of occupations are at high risk for psychological distress and morbidity. Law enforcement constitutes one such profession. The corpses of fellow citizens, the ruins of buildings, and the wreckage of all types of conveyances scorch the senses and poison the memories of law enforcement officers. If society exposes them to these harsh aspects of life, it is morally bound to give them the best possible psychological support. Current state-of-the-art early psychological

intervention programs within the law enforcement profession emphasize post-incident intervention. Expansion of early intervention services to include precrisis expectation training and early warning screening could move existing programs to the cutting edge of mass critical incident management. No agency has created a perfect model, but a number of organizations have developed workable programs for dealing with acutely stressful events. Regardless of the size of the department, the men and women who have dedicated themselves to protecting their communities will benefit from adopting these best practices. ♦

The authors offer a special thanks to the survey contributors who made this article possible. Law enforcement officers in their respective organizations benefit from the daily efforts of these dedicated professionals. Now, because of their willingness to share such hard-won experience, all law enforcement officers and their supporters can benefit as well.

Endnotes

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Unusual Weapon



Key Knife

This object appears to be a key, but it actually is similar to a box cutter and can serve as a knife. This potential weapon has passed security at many major airports. Law enforcement officers should be aware of the possible threat of this object.

Submitted by George E. Johnson, USN (Ret.)
Prospectors Club of Southern California
Metallic Evidence Recovery, Crime Scene Search Unit

Domestic Violence

The National Institute of Justice (NIJ) presents *Batterer Intervention Programs: Where Do We Go From Here?*, which describes the most common types and evaluates two recent studies of programs in Broward County, Florida, and Brooklyn, New York. Both evaluations call into question such programs' effectiveness in changing batterer attitudes or behaviors. Researchers in the Broward study, however, found that batterers who were employed or married, owned their homes, or otherwise had a stake in the community were less likely to reoffend. The Brooklyn study showed that men who attended treatment sessions for a longer period (e.g., 26 versus 8 weeks) committed fewer new violent acts; however, batterers were more likely to complete the shorter program. This report is available electronically at <http://www.ojp.usdoj.gov/nij/pubs-sum/195079.htm> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Community Policing

The Office of Community Oriented Policing Services (COPS) presents *Call Management and Community Policing: A Guidebook for Law Enforcement*, which focuses on police call management strategies and how they affect community policing today. This guidebook looks at the direct relationship between community policing and managing calls for service effectively, and it features practical examples from across the country. This publication discusses what issues and challenges should be addressed to implement various call management strategies successfully, how police can make better use of data on calls received and call responses, and what key steps departments should take to plan call management strategies that enhance community policing. This report is available electronically at <http://www.cops.usdoj.gov/mime/open.pdf?Item=913> or by contacting the U.S. Department of Justice Response Center at 800-421-6770.

Courts

The Bureau of Justice Assistance (BJA) presents *Community Prosecution Strategies*, which discusses the emergence of community prosecution strategies, drawing on examples from 36 locations across the country, and identifies common elements among the diverse sites. This report also describes the philosophy behind community prosecution, which presents a distinct departure from the case and conviction orientation of traditional prosecution. It adopts the belief that local crime problems can best be resolved by engaging community members in the solutions and aims to improve residents' quality of life by placing prosecutors in the community to address neighborhood-specific crime problems. This report is available electronically at <http://www.ncjrs.org/pdffiles1/bja/195062.pdf>.

Corrections

The National Institute of Justice (NIJ) presents *Correctional Boot Camps: Lessons from a Decade of Research*, which contains findings from 10 years of data used to analyze whether boot camps help reduce recidivism, prison populations, and operating costs. The report found that although boot camps generally had positive effects on the attitudes and behaviors of inmates during confinement, these changes did not translate into reduced recidivism. Programs often were too brief to exert a lasting effect on inmates released to the community, and they lacked a strong treatment model or sufficient preparation of inmates for reentry. Boot camps' efforts to achieve multiple goals contributed to conflicting results. This report is available electronically at <http://www.ojp.usdoj.gov/nij/pubs-sum/197018.htm> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Bulletin Reports is an edited collection of criminal justice studies, reports, and project findings. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 201, Madison Building, FBI Academy, Quantico, VA 22135. (NOTE: The material in this section is intended to be strictly an information source and should not be considered an endorsement by the FBI for any product or service.)

The Future of Privacy in Law Enforcement The United Kingdom's Experience

By Alan Beckley, M.Law, M.Sc.

Personal privacy often is pervaded by well-meaning reasons of security or freedom of the press. Since 2000, the United Kingdom has been governed by the rights-based law of the European Court of Human Rights (ECHR).¹ Specifically, public authorities must not infringe on the rights of citizens without legitimate cause.² Will more invasions of personal privacy occur? Will a higher level of privacy exist for those who can afford it? Has a gradual and imperceptible erosion of civil liberties occurred?

Invasions of citizens' privacy occur every day in the interest of security or law enforcement. Are these invasions lawful, necessary, and the least intrusive possible? Invasions of privacy often occur when systems and processes commence following security incidents, and they sometimes remain for periods long after their use can be justified either morally or legally. Questions linger about potential abuses of personal privacy following terrorist incidents both in the United Kingdom and the United States. While many countries face the same challenges connected with this issue, the author offers the United Kingdom's experience as an example to help other countries concerned with this topic.

IDENTIFIERS

Closed-Circuit Television

A 1998 report in England revealed that "over the last decade, the use of CCTV systems in town centres, shopping precincts, and car parks has become widespread."³ Indeed, the Home Office, a UK government department, actually funded many of the CCTV schemes. In 1997 and 1998, bids

established 2,298 new cameras, and trade magazines calculated that the UK CCTV market was valued at over \$490 million annually. UK citizens know that CCTV cameras are in many public streets, shopping malls, banks, and gas station forecourts. In fact, British citizens can expect to be caught on CCTV 500 times per week and have personal details stored on 300 corporate or government databases.⁴

Most citizens are not concerned; they receive a comforting message from the police,⁵ who would not have detected serious crimes without CCTV.⁶ Many countries now have regulatory frameworks for CCTV, but, until recently, the United Kingdom had only an advisory voluntary code. However, perhaps in recognition of these concerns, on October 24, 2001, it became a criminal offense to use an unregistered, nondomestic CCTV system to record people in a public *or* private place.⁷ Certainly, concerns exist about the use of CCTV as it impacts upon privacy and its potential abuse⁸ in the fight against crime, especially because some police departments now use community volunteers to view the CCTV monitors in a cost-saving initiative.

Mr. Beckley, a retired chief inspector for the West Mercia Constabulary, United Kingdom, is a member of the Society of Police Futurists International.



Biometrics

Civil liberties watchdogs and privacy advocates are not comfortable⁹ with biometrics, the science of verifying a person's identity by measuring unique features, such as nasal curvature, eye iris patterns, or hand shape.¹⁰ Biometrics, from fingerprint and iris pattern recognition to walking patterns and even body odor,¹¹ also could eliminate the need to remember passwords and personal identification numbers (PINs).

One concern, already a reality, is the use of automatic facial recognition systems where people are unaware of the surveillance. These systems are used in UK soccer stadia where CCTV cameras scan the crowd and identify individuals whose facial characteristics are digitally stored in the pictorial database of alleged troublemakers or persons subject to court exclusion orders. A biometric facial recognition system also was used at a recent Super Bowl in the United States. With digital photographs on drivers' licenses and passports, the future of facial recognition already is planned far ahead.

The invasion of privacy continues with cameras in taxicabs and at public transportation terminals. Motor vehicle license plate readers record when people drive onto a ferry and when they return and keep logs regarding the frequency of these trips. Further, because these license plate readers know when people speed, they can use facial recognition technology intended to identify terrorists to catch speeding drivers.¹² One senior police officer advised that 10 percent of drivers caught speeding by traffic cameras avoided penalties; therefore, more sophisticated measures were necessary for effective law enforcement.¹³ "This idea raises a host of sensitive civil liberties matters which would require very careful examination."¹⁴ One organization recommended mass facial

scanning to identify terrorists and pedophiles; its report suggests that the privacy rights of the majority of the community should be sacrificed to identify and prosecute dangerous criminals.¹⁵

But, many citizens do not mind this intrusion on their privacy when it helps speed their journey through tollbooths while using passes they pay for in advance or when global positioning systems help locate stolen cars.¹⁶ However, people might object when the police can identify individuals' positions through triangulation of their mobile telephone calls, although no law of privacy is broken by use of such evidence. In the United States, the Federal Communications Commission requires that cell phone operators help police locate cell phones from which users have dialed 911.¹⁷

Surveillance

Police lawfully can take still photographs and video footage of suspects in public places in the United Kingdom. Further, police and authorized investigatory agencies lawfully can obtain and retain records of photographs,

fingerprints, and other personal data because, according to European law, it is necessary in a modern democratic society for the prevention of crime. But, does this address photographs taken in a private place without the consent of the individual and where, even in a public place, people have an expectation of privacy, such as public restrooms or restaurants?

The criminal law Data Protection Act states that information should be kept only for as long as it serves the legitimate purpose of crime prevention; however, recent legislation has enabled police to take and retain DNA and fingerprints of persons arrested regardless of whether they are charged and convicted with an offense.¹⁸ The UK national DNA database reached its halfway point

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**...public authorities
must not infringe on
the rights of citizens
without legitimate
cause.**

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of 1.5 million records, about 6 percent of the population, toward the target of 3 million.¹⁹ In 2001, an increase of 34 percent occurred in sample matches with a more than 40 percent chance of DNA found at the scene of a crime matching a name on the database. Further, DNA matches assisted detection in 49 murders, 75 rapes, and 165 violent crimes. DNA samples can be taken from anyone charged with, reported for, and, subsequently, cautioned for a recordable criminal offense. How soon will the United Kingdom have a national database of DNA samples from all citizens?

Several cases recently have occurred where the police obtained evidence in the investigation of serious crimes by covertly recording conversations between suspected offenders while they were under arrest and detained in police cells—some of the recordings were between the suspects and their lawyers. Courts in the United Kingdom²⁰ have held that this sort of evidence is sometimes admissible,²¹ although it is a breach of the right to private and family life under ECHR.²² Other courts have thrown out such evidence, thereby releasing suspected murderers.²³ In the investigation of serious crime, two cases held that foreign telephone intercepts were admissible evidence if they were lawfully obtained in the monitoring country.²⁴

INTRUSIVE SURVEILLANCE LEGISLATION

Covert surveillance laws relating to interception of mail and telephone communications were not subject to legislation in the United Kingdom prior to the year 2000. The courts hold that police surveillance “is a necessary evil in modern society,” but that the surveillance must be “prescribed by law.”²⁵

Regulation of Investigatory Powers Act

The Regulation of Investigatory Powers Act 2000 (RIPA) commenced in the United Kingdom on October 2, 2000. The act was intended to replace, update, and satisfy the ECHR test of legality for police and investigatory agencies’ activities in the areas of covert surveillance, the management and handling of informants, and the decryption of electronic communications. Commercial organizations are concerned that electronic communications might not remain confidential and business information might be accidentally or deliberately made available to competitors.

Privacy Issues

The Internet

With little or no control, users become victims of “cookies” (personal identification tags) placed in computers subliminally every time they link to the Internet. This poses a potential intrusion on privacy. In fact, because of privacy concerns, the European Commission introduced legislation to prohibit the use of cookies. Advertising executives thought this move seriously would damage electronic commerce and Internet advertising sales because information about individuals apparently is crucial for marketing and targeting purposes.²⁶

One of the biggest concerns about online privacy issues is the lack of overarching principles—even federal laws are at the most minimal level.²⁷ Data protection principles in the European Union strictly require that individuals have to “opt in” before information can be collected. The United and Strengthening of America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act)²⁸ applies to college technology systems²⁹ and permits federal agents to obtain stored voice mail

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One of the biggest concerns about online privacy issues is the lack of overarching principles....

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without wiretap authorization. It also allows Internet service providers to contact federal agents who do not need a search warrant to help them intercept the communications of a hacker.

Employment

Rules exist over company monitoring of e-mails and Internet use if employees download from inappropriate Web sites. But, to comply with the law, employers should make employees aware that they monitor Internet use. Now, companies can plug into corporate networks and monitor all e-mail traffic, including chat rooms, network printer lists, and instant messaging. Further, inappropriate content, including intellectual property or harassing messages, sets off an alarm.

Additionally, many employers no longer trust their employees to make or take telephone calls; companies often monitor calls for quality purposes. European courts have held that private telephone conversations should not be monitored unless parties receive notification of the possibility.

A recent survey revealed that 78 percent of U.S. companies monitor their employees; Internet use is monitored by 63 percent of employers; 47 percent monitor e-mails; 15 percent have surveillance by video; 12 percent review and record telephone calls; and 8 percent review voice mails.³⁰ In addition, some Web sites that help users search for jobs have been accused of failing to adequately protect the privacy of millions of applicants whose curricula vitae are posted within massive databases.³¹

Marketing and the Media

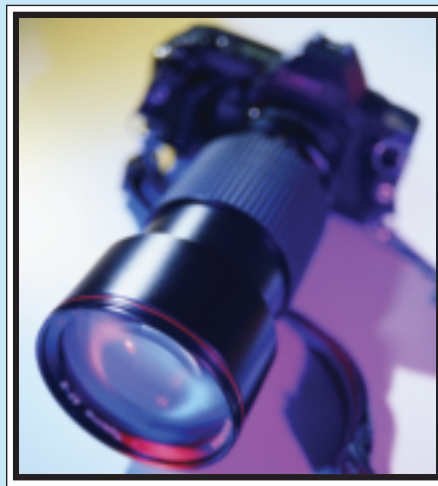
Why are people targeted with unwarranted e-mails? Why do they receive unsolicited offers

through the mail? Why do they get telephone calls from sales people? When people buy goods or respond to surveys or questionnaires, information about personal preferences and vital statistics sometimes are recorded and may be used subsequently to build a relationship with suppliers. Consumers should know that tools and technology exist to protect their privacy, but it is not in the interest of software or hardware suppliers to divulge this information. One computer company

executive has called for legislation to protect consumers, stating that companies have not "lived up to the leadership responsibilities with such standards," although protections for consumers exist in many national jurisdictions.³²

In one UK case involving intrusive photographs taken at a celebrity's wedding ceremony and the publication of them without the permission of the subjects, the judge said, "Equity and the common law were today in a position to affirm that everybody had a right

to private space."³³ Legal commentators said that the decision was of huge significance in summarizing and developing the law of breach of confidence.³⁴ The judge used the Human Rights Act 1998 to justify the development of the law, saying, "that this is precisely the kind of incremental change for which the act is designed." This represents a clear development of existing law to use the remedy of injunction rather than damages because a previous case held that the common law in England does not recognize a right of privacy.³⁵ Also, a later case³⁶ decided that the courts were not justified in interfering with the freedom of the press simply because there was no identifiable special public interest in particular material being published.³⁷



© PhotoDisc

Personal Data

The UK Data Protection Act 1998 took effect on March 1, 2000, but its provisions are incremental and organizations do not have to fully comply for 7 years. The police service has some exemptions from the act's provisions relating to the use of data for intelligence purposes and data protection in that "personal data shall be processed fairly and lawfully." For example, officers can use information for intelligence purposes but must keep it confidential.³⁸ However, most police departments have developed protocols so that information can be lawfully shared with community safety partners, such as local and health authorities, to successfully achieve crime- and disorder-reduction strategies. In two UK court cases involving child-access name checks where police forces communicated confidential information about individuals to partner organizations, such as local education authorities, the infringements of rights to privacy were justified.³⁹ Also, the Consultancy Service Index (CSI)⁴⁰ maintained by the secretary of state for the Department of Health did not contravene the law.⁴¹

Identity Cards

Enhanced "smart" identity cards are within the capability of existing technology and could contain embedded chips to hold fingerprints and other data, such as biometrics and DNA profiles. They may increase security, but breaches of such databases could compromise hundreds of thousands of individuals.⁴² On February 6, 2002, the UK Home Office announced that it intends to publish a consultation document on entitlement (identity) cards. Home Secretary David Blunkett said, "After the terrorist atrocities in the United States on 9/11, the issue of introducing an identity card scheme was raised by many people." He also advised that the

idea of an entitlement card would allow people to prove their identity more easily and allow them to access public services, but any proposed legislation on entitlement cards would not make it obligatory to carry the card.

One futurologist predicted that computer chips will be inserted into the human body and connected to nerves to govern sensations.⁴³ Meanwhile, the first experiment of linking the human nervous system to a computer already is taking place in the United Kingdom.⁴⁴

It seems that some people have fewer rights than others, as all asylum seekers throughout Europe will be forced to provide their fingerprints, although not convicted of any offense.⁴⁵ The Eurodac fingerprint database will allow the Immigration Service to check the fingerprints of asylum seekers in the United Kingdom against the records of other European Union (EU) countries. If asylum seekers already have claimed asylum in another EU country, authorities will ensure that they are returned to have their claims dealt with there. Since 1993, the United Kingdom has been authorized to fingerprint asylum seekers. This ability meets with EU and UK data protection requirements.

Identity Theft

Identity theft is one of the fastest growing cybercrimes, and the rewards are great.⁴⁶ For example, a former employee of an insurance company was arrested and charged with stealing the identities of colleagues from a company database containing over 60,000 names.⁴⁷ He sold some of them over the Internet as part of a credit card scam and offered names and social security numbers for \$50 each; one employee had \$2,000 dishonestly charged to his credit card. Estimates place the cost of identity fraud in the United Kingdom at over

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Potential threats to privacy currently exist and have a wide application and impact on many individuals.

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Further Reading

- A. Beckley, *The Human Rights: The Pocket Guide for Public Authorities* (Hampshire, UK: The New Police Bookshop, 2002).
- M. Colvin, *Under Surveillance: Covert Surveillance and Human Rights Standards* (London, UK: Justice, 1998).
- P. Neyroud and A. Beckley, *Policing, Ethics and Human Rights* (Cullompton, Devon, UK: Willan Publishing, 2001).
- P. Neyroud and A. Beckley, "Regulating Informers: The Regulation of Investigatory Powers Act, Covert Policing and Human Rights," in *Informers: Policing, Policy, Practice*, eds. Billingsly, Nemitz, and Bean (Cullompton, Devon, UK: Willan Publishing, 2001).

\$1.9 billion per year, and a consultation document on how to combat this growing crime was circulated by the government during 2002.⁴⁸ In November 2003, the home secretary outlined plans to phase in an identity card scheme in the United Kingdom to "help tackle issues like illegal working, immigration abuse, fraud, terrorism, and organized crime." Further, the result on the consultation with the public revealed that 62 percent of people in the United Kingdom were in favor of ID cards.⁴⁹

THE FUTURE OF PRIVACY

Potential threats to privacy currently exist and have a wide application and impact on many individuals. Will policing continue to assist in the erosion of privacy, or will it, as its remit should be in a democratic society, uphold the rights of the individual to maintain confidentiality and personal integrity? Two experts proposed three models of policing in the future: the enabling police force, the crime fighters, and the social engineers.⁵⁰ While it is accepted that no police force pursues one model to the exclusion of all others, the crime-fighter model could place citizens' rights to private and family life at greatest risk. The crime fighter police force is waging war on crime through the use of high-technology surveillance, tracking, tagging, and intelligence systems. Ancillary aspects of

policing that do not form part of crime fighting are outsourced and uniform police work is limited to intelligence gathering and crackdowns. Is this the highly specialized police force of the future, or do other paradigms exist?

More security will occur in the short term through the response to 9/11.⁵¹ Police will be granted heavy powers to ensure the safety of the community against terrorists—but at what cost? Will it be to the ultimate alienation of police from society? Will the financially wealthy be able to buy privacy with gated residences and an ability to litigate against public authorities and the media? Many questions concerning invasion of privacy still require answers.

Existing systems can track and monitor an individual's actions in real time and over a period of time, which could result in "super surveillance." This will be further exacerbated when databases become linked and interlinked, thereby causing possible unauthorized and unlawful use or disclosure of information.

CONCLUSION

Invasions of privacy frequently occur, often unbeknown to many individuals. The United Kingdom has enacted laws to protect its citizens, but questions remain about potential abuses of personal privacy in the interest of security or law

enforcement. Various techniques, such as closed-captioned television, biometrics, and surveillance, exist to invade the privacy of others, and courts in the United Kingdom have addressed issues related to evidence obtained by these methods. Further, privacy issues arise regarding Internet use, marketing and media outlets, and personal data for intelligence purposes. Existing technology already has the ability to add biometrics to identity cards.

The future of privacy depends on the acknowledgment of many unanswered questions. The ability to invade another's privacy already is well documented. Law enforcement should carefully determine its strategy regarding incremental intrusion on privacy—reduction in liberty is unacceptable in a democratic society. ♦

Endnotes

¹ The Human Rights Act 1998 commenced on November 2, 2000.

² ECHR, Article 8: The Right to a Private and Family Life.

³ Madeline Colvin, *Under Surveillance: Covert Surveillance and Human Rights Standards* (London, England: Justice, 1998).

⁴ As reported by Privacy International in *The London Times*, March 7, 2002.

⁵ *Policing with Intelligence*, Her Majesty's Inspectorate of Constabulary, Thematic Inspection Report 1997/8.

⁶ For example, the murder of a toddler by two juveniles whose identities were established when police viewed the CCTV recordings in a shopping mall; retrieved August 4, 2003, from <http://www.crimelibrary.com/classics3/bulger>.

⁷ Provisions of the Data Protection Act 1998 and the Regulation of Investigatory Powers Act 2000.

⁸ T. Bennett, and E. Gelsthorpe, "Public Attitudes Toward CCTV in Public Places: Studies in Crime Prevention"; J. Ditton, "Public Support for Town Centre CCTV Schemes: Myth or Reality?" in C. Norris, J. Moran, and E. Armstrong, eds., *Surveillance, CCTV, and Social Control* (Aldershot, UK: Ashgate Publishing Company, 1998).

⁹ See http://motherjones.com/magazine/JF02/up_close.html.

¹⁰ See <http://www.fcw.com/geb/articles/2002/0311/web-face-03-04-02.asp>.

¹¹ David Rowan, "The End of the Password?" *The Independent*, March 23, 2002.

¹² *The Daily Telegraph*, January 31, 2002.

¹³ Richard Brunstrom, chief constable of North Wales Police and head of the Technical Committee of the Association of Chief Police Officers of England, Wales, and Northern Ireland.

¹⁴ John Dawson, Policy Director, UK Automobile Association.

¹⁵ Thomas C. Greene, "Think Tank Urges Face-scanning of the Masses"; retrieved August 4, 2003, from <http://www.theregister.co.uk/content/6/20966.html>.

¹⁶ Jeffrey Selinger, "It's the Cars, Not the Tires, That Squeal," *The New York Times*, October 25, 2001.

¹⁷ See <http://news.co.com/2100-1033-846744.html>.

¹⁸ Criminal Justice and Police Act 2001.

¹⁹ See <http://www.excelsior.pwcglobal.com/knowledge/article.asp>.

²⁰ R v [1] Mason [2] Wood [3] McClelland [4] Tierney, February 13, 2002, Court of Appeal.

²¹ Police and Criminal Evidence Act 1984, Section 78.

²² Supra note 2.

²³ "Family Vents its Fury as Murder Trial Collapses," *The London Times*, February 20, 2002.

²⁴ R v X,Y and Z (2000) and R v P and Others (2000), *Times Law Reports*, December 19, 2000 (November 11, 2000; House of Lords).

²⁵ X v Germany (1976) 3 DR 104.

²⁶ "Proposed European Legislation Takes Aim at Cookies," Sans newsletter, October 31, 2001. See <http://www.wired.com/news/politics/0,1283,48025.00.html>.

²⁷ Laura J. Gurak, director of the Internet Studies Center and associate professor in the rhetoric department at the University of Minnesota-Twin Cities and author of *Cyberliteracy: Navigating the Internet with Awareness* (Yale University Press). See <http://chronicle.com/free/2002/2002021901t.htm>.

²⁸ PL 107-56, October 26, 2001, 115 Stat 272.

²⁹ Scott Carlson and Andrea L. Foster, "Colleges Fear Anti-terrorism Law Could Turn Them Into Big Brother," *The Chronicle of Higher Education*, February 28, 2002. See <http://chronicle.com>.

³⁰ Eric J. Sinrod, "E-legal: Electronic Surveillance in the Workplace," October 16, 2001; see <http://www.law.com>.

³¹ "Systemic Privacy Abuses at Monster.com"; <http://www.newsbytes.com/news/01/169779.html>.

³² See <http://update.internetwork.com/cqi-bin4/>.

³³ Michael Douglas, Catherine Zeta-Jones, Northern and Shell plc v Hello Ltd. (2001) Court of Appeal December 21, 2001, *Times Law Report*, January 16, 2002.

³⁴ Philip Plowden, "Right to Privacy," *Journal of Civil Liberties*, University of Northumberland, School of Law, Northumbria Law Press, March 2001, 57-72.

³⁵ Secretary of State for the Home Department v Wainwright and Another (2002), *Times Law Report*, January 4, 2002.

³⁶ A v B plc and Another, Court of Appeal, *Times Law Reports*, March 13, 2002.

³⁷ The Human Rights Act 1998, Section 12, and ECHR, Article 10, Freedom of Speech.

³⁸ See Alan Beckley, *The Human Rights Guide for Public Authorities* (Hampshire, UK: The New Police Bookshop, 2002).

³⁹ Article 8 infringements are subject to the "pressing need" test, which, in this case, justified the infringement.

⁴⁰ A register of people deemed unsuitable to work with children. In these cases, the court agreed that "the maintenance of the CSI was in proportion to the objective to be obtained."

⁴¹ Supra note 2.

⁴² Ari Schwartz, Center for Democracy and Technology, Washington, DC. See <http://www.nandotimes.com/technology/story/269751p-2478282c.html>.

⁴³ @METRO Free Newspaper, February 28, 2002, (Trinity Mirror plc: London).

⁴⁴ "Briton Wires Nervous System to a Computer," Reuters, March 22, 2002. See <http://www.nytimes.com/reuters/technology/tech-britain-cybernetics.html>.

⁴⁵ Police related press releases for February 28, 2002; "Final Agreement Reached on EU Fingerprint Database for Asylum Seekers," provided by Police Profiling from Horn Ltd.

⁴⁶ For more information on identity theft, see Matthew L. Lease and Tod W. Burke, "Identity Theft: A Fast-Growing Crime," *FBI Law Enforcement Bulletin*, August 2000, 8-13; and

John Pollock and James May, "Authentication Technology: Identity Theft and Account Takeover," *FBI Law Enforcement Bulletin*, June 2002, 1-4.

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⁴⁸ "Government Joins with Private Enterprise to Fight Identity Fraud," daily police-related press releases, provided by Police Profiling from Horn Ltd., March 21, 2002.

⁴⁹ "Blunkett: ID Cards to be Phased In," daily police-related press releases, November 11, 2003.

⁵⁰ P. Neyroud and A. Beckley, *Policing, Ethics, and Human Rights* (Cullompton, Devon, UK: Willan Publishing, 2001).

⁵¹ Overwhelming evidence was provided to the author at "Homeland Security: Policing in the 9/11 Era," a conference hosted by The Institute of Law Enforcement Administration of the Center for American and International Law, March 25-27, 2002.

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Book Review



Fear Less by Gavin de Becker, Little, Brown and Company, New York, New York, 2002.

According to its author, *Fear Less* brings forth the real truth about risk, safety, and security in a time of terrorism. Gavin de Becker is a nationally recognized expert in the prediction of violence and in the response to threats. The book, written in the aftermath of the events of September 11, 2001, collects, in a comprehensive way, the concerns that Americans have been struggling with since that fateful day. In short, the author attempts to bring to the forefront the issues that citizens of a free nation must consider and resolve not only to have the feelings of safety but also to actually be safe.

As in his previous books, *Gift of Fear* and *Protecting the Gift*, the author has shown, in vivid detail, why individuals sometimes are fearful and how that fear can become their greatest ally in the battle between good and evil, safety and danger. Acknowledging that fear is present and helpful for society's collective survival, the author connects the aspect of intuition as the mechanism that allows individuals to manage their fears and, thus,

their responses. The author writes in a conversational style, much like that of a consultant, and is thoughtful and forthright in his appraisals of security measures and evaluations of risks and fears. He looks at both sides of the controversy and does not hesitate to point out false assumptions and remedies offered by others while, at the same time, offering new solutions.

Terrorism is not new to this country, and the author provides a historical and factual accounting of the many terrorist acts committed against the United States over the years, some of which have not been widely reported or remembered. He provides some experiences and tools that the reader may not have considered in helping to answer the questions about America's safety and future. The book is divided into logical chapters that give a no-nonsense review of many issues leading to the answers to such tough questions as whether air travel can be safe and how to talk to children about terrorism. The book also gives an up-to-date and comprehensive listing of Web sites and straightforward descriptions of terrorist activities, such as biological, chemical, and nonmilitary nuclear attacks, as well as evaluating the credible threat and warning signs. The author couples many factual and important information items with critical looks at the media and the newspeak of fear. While the electronic media has not always found favor with the author's opinions, they, nevertheless, have been willing to give great exposure to this work.

Readers will find *Fear Less* very thought provoking with the information offered and the way it is presented. While written for the average citizen, law enforcement professionals from every level of service will find it useful. Armed with the knowledge and philosophy of

this book, officers should find it easier to accurately and intelligently speak to the prevalent fears of the citizens they serve. One concept that the author firmly believes in is the recognition of preincident indicators and how to interpret and internalize them for maximum safety and results. The book offers an in-depth analysis of the safety of air travel, the pitfalls associated with the airline industry, as well as concrete and attainable solutions to eliminate this facet of terrorist activity. Other chapters explore how the average person can become a critical element in combating terrorism by being an antiterrorist as a messenger of intuition and studying the architecture of conspiracy.

Fear Less presents the timeliest response to the many issues facing Americans today in this new world following the tragic events of September 11, 2001. Readers from all walks of life and professions will find this book appealing. This is one of those books that readers will recommend to friends, family members, and colleagues. It represents an important work that makes sense of all that is occurring in this unsettled world and helps all citizens actually fear less.

Reviewed by
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The *Bulletin's* E-mail Address


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Testifying in the Theater of the Courtroom

By JOE NAVARRO, M.A.

When the judge read the jury's verdict, the courtroom was stunned. How could this be? It seemed like a simple, open-and-shut case. Later, reporters questioned the jurors who spoke of factors that never occurred to the investigating officers, such as a witness who acted nervous, a police officer who seemed arrogant, and the possibility that evidence had been mishandled. Similar cases now abound, incongruous at first until normally insignificant behaviors prove otherwise.

The theater of the courtroom has changed in the last 20 years. As many trial consultants have found, the performance of the actors (law enforcement officers, lawyers, and witnesses) in the courtroom impacts the outcome of cases. How people testify and how others perceive them are as important as their testimony. If these actors fail to communicate properly or the jury does not believe them, then all of the effort put into investigating the case will prove pointless. Instead, pretrial work must be presented properly in

court; jurors must understand witnesses; testimonies must be competent and reliable; and everyone must present the truth. Often, however, law enforcement officers do not see themselves as actors in this drama.

Today's jury (the audience) has evolved from 30 years ago. Jurors are older, more representative of both sexes, and increasingly racially and ethnically diverse. Further, they have a greater variety of backgrounds and a higher level of education. Jurors arrive loaded with their own notions of the courtroom,

what they expect to see and hear, and how others should present the information. Today's jury has seen thousands of hours of television images, which accounts for much of what they anticipate in the courtroom. Unlike their predecessors, they are both more demanding and distrustful. Unsurprisingly, surveys show how often jurors feel disappointed by the performance of the actors during the trial. These disappointments have serious consequences—they translate into mixed-up jurors, deadlocked juries, or acquittals.¹

Jury surveys and research in communication provide guidance to law enforcement officers on how to be more effective in court, whether sitting at the prosecutor's side as the lead investigator or testifying as a witness. The jury scrutinizes how officers dress, speak, behave, and present before, during, and after testifying. And, where communication, both nonverbal and verbal, must be effective and persuasive, jurors must perceive such presentations as truthful and competent.

Dress and Attire

Officers must dress specifically for the job in the courtroom.² An individual's dress and attire establishes hierarchy and status, essential for projecting a professional presence.

Ample evidence suggests that, for males, the traditional dark blue suit, white shirt, and conservative tie projects success, competency, and even veracity.³ Popular television newscasters seldom vary their attire from this combination of colors. Conversely, officers should avoid brown colors because they do not convey authority, honesty, or erudition as well as blue and grey colors.⁴ Officers should refrain from testifying in their uniforms when possible because juror perceptions have shifted over the years—a suit and tie proves the most influential attire, especially in a jury trial.

Female officers should choose comfortable business suits with a conservative length and style. They should avoid

loud colors or sexually suggestive attire. Shoes should be comfortable and stylish. Women should avoid wearing high heels or open-toe shoes. Inappropriate or unprofessional clothing that defies convention can distract or even antagonize a jury.⁵ Further, women's earrings should conform with conservative wear, and both sexes should avoid displaying tattoos or body piercing. Many people perceive tattoos and excessive body piercing as "blue-collar" artifacts, remnants of rebellion and immature injudiciousness that carry negative implications.⁶

Nonverbal and Verbal Components

Countenance often betrays concern, worry, happiness, even

“ Jury surveys and research in communication provide guidance to law enforcement officers on how to be more effective in court.... ”



Mr. Navarro, a retired FBI special agent with the National Security Division's Behavioral Analysis Program, currently provides private consultation to the intelligence community.

anxiety; it can betray what a person knows or hopes to achieve.⁷ Facial expressions can prove revealing and problematic. Displays of indifference, disgust, antipathy, displeasure, or arrogance interfere with a jury's perception either on the stand or at the prosecutor's table. Officers should avoid rolling their eyes (perceived as disrespect) and knitting their eyebrows or forehead (reflecting trouble, strain, or concern), actions jurors readily and universally scrutinize.⁸ Officers should present confidence of their case to the public, rather than arrogance, which the jury often perceives and translates negatively.⁹

Openness is integral to effective communication. Honest individuals tend to display more openly than dishonest ones. People who become tense and hide behind objects appear less open, causing others to question veracity.¹⁰ Law enforcement officers should not use hand and arm gestures that detract from openness.¹¹ They should display their hands with palms up—leaving nothing between them and the jury. Also, officers should emphasize by leaning forward because jurors usually receive this as a sign of commitment, openness, and veracity.¹² Most talented speakers use their hands and arms to illustrate and animate.¹³ Emphasis is the

nonverbal component of speech that gives gravitas to a statement—a verbal underline. When testifying for hours on the stand, emphasis tells the jury what is important.

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effective
communication.***

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Lowering voice pitch for emphasis often proves more productive than raising it. Further, weak or high-pitched voices annoy others. If jurors have to strain to hear a person's voice, or if someone has annoying vocal qualities, jurors often tune them out. A soothing, resonating voice gets jurors' attention. Although this technique may take some effort, officers should practice these skills as actors and newscasters do.¹⁴

In the Courtroom

Posttrial and mock-trial surveys show that law enforcement officers often fail to connect with juries because they neglect to show jurors respect.¹⁵ Officers should stand when jurors enter the courtroom and turn their attention toward

them—actions that earn respect. Further, officers can subtly preen themselves (e.g., pressing down their coat, jacket, dress, or tie)—jurors perceive efforts to groom symbolic of caring, attentiveness, and respect.

Where possible, even before court procedures begin, officers should display warmth and friendliness and smile at others. In most courtrooms, jurors wait in hallways prior to their selection. Officers should greet potential jurors and make eye contact as they walk by; jurors personally may not know the officers, but they will remember glad graces.¹⁶ Further, officers should make eye contact often, but respectfully, with the jury while testifying.¹⁷ Officers should strive for jurors to see them as a friend, rather than as the enemy.

Jurors usually remember information through visualization. A well-prepared visual supports an officer's testimony, which will resonate with jurors during deliberations. Juries want to hear a logical and meaningful story about what happened, and they also want to see it in their minds.¹⁸ If law enforcement officers cannot present the case in a logical order, then they should explain the reason at the beginning of their testimony. Jurors are accustomed to watching a medium that presents stories cogently and in order.

Jurors perceive individuals who come prepared, speak authoritatively with the facts (not generalities), and present their testimony without hesitation as more credible.¹⁹ Officers should speak clearly. Most people normally say approximately 120 words per minute, yet individuals can understand at twice that speed. The slower a person speaks, the greater their chances of lulling the audience.²⁰ Officers should not use law enforcement terms or acronyms unfamiliar to the jury. If jurors do not understand a word, they will ignore it or, worse, think it means something else. For example, the word *paramour* becomes *power mower*.

Jurors tend to remember emotional matters better than factual ones. Where possible, witnesses and victims especially should humanize an event, showing the emotional component. Also, repetition serves well, but not when overdone. In fact, studies suggest that when matters are repeated more than five times, jurors begin to balk at the information.²¹ Details are best remembered when presented at the beginning (rule of primacy) and at the end (rule of recency).²² Further, prior to the trial, officers should prepare for conceivable questions and try to diffuse vexatious ones.

Witnesses who appear comfortable, open, and genuine

will give more effective testimony.²³ They should discuss any issues or concerns before the trial, review their testimony with the prosecutor to ensure it makes sense, and determine if anything about their appearance might detract from their testimony. Witnesses, even experienced ones, should attempt to overcome fears and anxieties about testifying. Such anxieties are reflected in their body language, which, unfortunately,



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jurors often misconstrue as signs of deception.²⁴ Biting the lip, touching the nose or the back of the neck, jiggling a foot or leg, tugging at ears, or wringing hands often are misunderstood as evincing mendacity when, in fact, these merely reflect the assuagement of tension or nervousness. No research supports that these behaviors alone indicate deception.²⁵ If necessary, officers should keep their hands on their lap until they calm down.

On the stand, officers can be human—cry and admit mistakes—but they never must lie or give the appearance of lying. They should not get tricky or clever; it almost always backfires. Further, officers should not try to settle a score with opposing counsel, indulge in histrionics or facial gestures, or act blasé. They should think carefully about every question and deliberate on each one for the same amount of time, remaining pensive, not reactive. Additionally, officers should not try to fill any silence voids; working this out with the prosecutor ahead of time and remaining mindful of various tactics opposing counsel may use will result in a more effective testimony. As their testimony unfolds, officers should remain attentive and lean into the questioner and the jury.

Communicating effectively is an art form. Skilled actors and newscasters master the art of communication. Acquiring effective communication skills should receive just as much attention as developing interviewing or defensive driving abilities. If jurors doubt an officer's veracity, feel antagonized, or do not understand the officer, they will be reflexive and reciprocate, even though the investigation was faultless.²⁶

After testifying, an officer's job still is not complete. Officers should collect their notes

and acknowledge the court and jury as they step down. Walking away, whether they leave the court or return to the prosecutor's table, they must remain professional. At the end of the trial, officers should conduct a postmortem, learning from their mistakes and successes on the stand. Attorneys or bailiffs often may agree to evaluate the officer's testimony after the trial, which can provide valuable constructive criticism.

Conclusion

Law enforcement officers play a vital role in the courtroom—that juridical theater where judges and juries make life-altering decisions based, for the most part, on the performance of witnesses and the weight of their testimonies. Jurors expect witnesses to be open and genuine, not clever or tricky.

Those who present before a jury have a duty to communicate effectively, honestly, and with respectful deference. What officers wear and how they speak, behave, and present in the courtroom often determine the effectiveness of their testimonies. This, after all, is the theater where performance truly matters most, where what is said and how it is said will influence jurors. Officers must provide the audience with the information it needs to make

effective decisions in the theater of the courtroom. ♦

Endnotes

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At the end of the trial, officers should conduct a postmortem, learning from their mistakes and successes....

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¹⁰ Joe Navarro and John R. Schafer, "Detecting Deception," *FBI Law Enforcement Bulletin*, July 2001, 9-13.

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Notable Speech

The Neighborhood Watch

By Matthew T. Byrne

Fifty years before Middletown became a city, night watchmen walked the streets in civilian clothes on guard for petty thievery and assaults. In 1888, Middletown was established, and eight uniformed officers banded together to form the Middletown Police Department. Their primary duties included meeting every train, dispersing crowds, requiring loafers and loungers to move on, and preventing newspaper delivery boys from shouting their papers on Sundays. With only eight officers, the police relied on the community for help with emergencies, disturbances, and many other matters of public safety. Often, they blew their whistles to summon assistance.

Much has changed in the 116 years since the Middletown Police Department was founded. The city's population has grown from about 2,000 to over 25,000 people, and the police force has grown from 8 officers to 65 sworn officers and 15 civilian support staff today.

Chasing horses and meeting trains has been replaced by rushing to 911 calls in a radio car. Technology, forensic science, and terrorism alerts all are part of the new fabric of policing. The professionalism, training, and dedication required by the men and women who perform as Middletown police officers today have grown exponentially. In almost two centuries of policing, there is *one* thing that has not changed throughout the history of the Middletown Police Department, one constant that has *never* faltered or diminished. That one vital thing is the *trust* we proudly share with the community.

Webster's dictionary defines trust as a charge or duty imposed in faith or confidence or as a condition of some relationship. As chief, I am grateful for the trust that has developed between us. Thomas Jefferson once wrote, "When a man

assumes a public trust, he should consider himself as public property." What are we, the police, but extensions of you, the community. Thomas Jefferson also said, "I know of no safe depository of the ultimate powers of society but with the people themselves." We have no greater power than the trust that you place in us, a trust we proudly accept and greatly respect. We are ever mindful of our duty to represent the best interest of the entire community.

We rely on you, the community; we depend on you, the community; we are beholden to you, the community. In fact, we could not survive without the trust and selfless support that the Middletown community and the Neighborhood Watch always has given us.

We are selected from among the community we serve and we take an oath that bestows a public trust on us. That public trust is a *special* thing and one that no officer ever should take lightly. When you joined your local Neighborhood Watch group, you too demonstrated your commitment to justice for all citizens of Middletown. John F. Kennedy once said, "(America) was founded on the principle that all men are created equal, and that the

Chief Byrne of the
Middletown, New York,
Police Department
delivered this speech
to the Middletown City-wide
Neighborhood Watch.



rights of every man are diminished when the rights of one man are threatened.” *Together*, we form a unified body of trust far greater and stronger than any of our adversaries, greater than any gang or common criminal could ever hope to achieve.

Each Middletown police officer is part of a highly skilled group of dedicated individuals who handle over 20,000 calls for service each year. The average officer handles anything from a domestic dispute to a serious car accident to a lost or runaway child, all within the first few hours of the shift.

In the often hectic, day-to-day operations that turn the gears of police service, the community is the fuel that feeds us and the map that guides us. You truly are our eyes and ears. *You* determine what the needs of Middletown are and how to best keep Middletown a safe place to live and work. Crime is an evil disease that spreads if left unchecked. An old Chinese proverb reads, “Laws control the lesser man. Right conduct controls the greater one.” The Neighborhood Watch forges partnerships with the police and the community and succeeds in fighting the isolation that criminal conduct fosters and preys upon. The help you have given us over the years has been invaluable and we would not be able to function without it. We are grateful and we thank you.

The Neighborhood Watch is a perfect example of good citizens at their best. Dr. Martin Luther

King once said, “People who have a stake in society, protect that society, but when they don’t have it, they unconsciously want to destroy it.” The Middletown Police Department is very fortunate to enjoy the unwavering support of so many dedicated citizens from throughout the community in

its Neighborhood Watch program. The Neighborhood Watch is exactly what we have needed in the past and it continues to be very much a necessity in Middletown today.

The dynamics of law enforcement have placed increased demands on the police and the community as well. In addition to our concern for burglary and larceny, we have a renewed vigilance for terrorism, child abductions, gangs, and violent crime. Once again, we are powerless

without your support and ineffective without your assistance. Your commitment to the Neighborhood Watch program is a testament to your commitment to Middletown. Your participation in the Neighborhood Watch groups is exactly what Middletown needs to form a united front against crime and the fear it creates.

We may not carry whistles anymore, but you always have been there when we have needed you to lend your support, and we sincerely appreciate all you have done for us. The *trust* we share *must always* be our source of strength against crime. Together, we will continue to make Middletown a safe and wonderful place for all to enjoy. ♦

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Together, we form a unified body of trust far greater and stronger than any of our adversaries....

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Anyone who has delivered a speech recently and would like to share the information with a wider audience may submit a transcript of the presentation to the *Bulletin* for consideration. Presenters should submit their transcripts typed and double-spaced on 8 ½- by 11-inch white paper with all pages numbered. When possible, an electronic version of the transcript saved on computer disk should accompany the document. Send the material to: Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 201, Quantico, VA 22135.

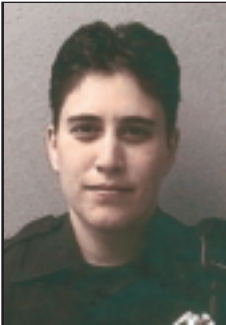
The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Sergeant Murphy

Sergeant Jay Murphy and other officers of the Beatrice, Nebraska, Police Department responded to a call of a suicide attempt. Upon his arrival, Sergeant Murphy observed a man with a gasoline can in one hand and a cigarette lighter in the other in the front yard of a residence. Sergeant Murphy determined that a domestic dispute had occurred, after which the man covered his body in gasoline and planned to ignite himself upon the arrival of police. Without regard for his own safety, Sergeant Murphy, using two other officers as a distraction, got behind the subject, grabbed him, and wrestled him to the ground, preventing the ignition of the gasoline. Sergeant Murphy's quick thinking and professional actions prevented the serious injury or death of the individual.



Officer Moccio



Officer Burke

After noticing a woman straddling a wall on the third level of a parking garage and determining that she planned to jump, Officer Anne-Marie Moccio of the Vanderbilt University Police Department in Nashville, Tennessee, engaged her in conversation as Officer Ryan Burke arrived on the scene. The subject became increasingly agitated and caused herself to fall. Officer Moccio jumped forward, grabbed the woman's left leg, and pinned it against the wall. Officer Burke reached over the ledge and, despite the subject's physical resistance, pulled her back to safety.

The woman continued to fight with the officers as they secured and handcuffed her. Suffering from a chronic illness and under the influence of mind-altering pain medication, the subject received immediate transport to an emergency room. The brave actions of Officers Moccio and Burke saved this woman's life.

Nominations for the **Bulletin Notes** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 201, Quantico, VA 22135.

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Patch Call



The Pueblo of Sandia Police Department serves a Native American reservation in central New Mexico. Its patch features symbols above and below the arch that represent the clouds and rain, an emblem at the apex of the arch that depicts the sun and moon, and the Sandia Mountains that represent the earth.



The patch of the Eaton Rapids, Michigan, Police Department features the Grand River; as depicted by the water wheel, the river continues its long history of providing power for the city. The steel spanner bridge adjacent to the setting sun was removed in 1983 and currently serves as a tourist attraction.